

MINUTES
PROTECTION & WELFARE COMMITTEE
Monday, March 24, 2014
City Hall, Room 207
5:00 p.m.

MEMBERS PRESENT: Ald. Steuer, Ald. Brunette, Ald. Boyce, and Ald. Tim De Wane
MEMBERS EXCUSED: None
MEMBERS ABSENT: None
OTHERS PRESENT: Jim Mueller—Asst. City Attorney, Capt. Bongle, and other interested parties.

1. Roll Call.

Ald. Steuer, Ald. Brunette, Ald. Boyce, and Ald. Tim De Wane were present.

2. Approval of the Agenda.

A motion was made by Ald. Brunette and seconded by Ald. Boyce to approve the agenda. Motion carried.

3. Approval of the minutes from the March 10, 2014 meeting.

A motion was made by Ald. Tim De Wane and seconded by Ald. Brunette to approve the minutes from the March 10, 2013 meeting. Motion carried.

4. Application for a Class "A" Beverage License by Everardo Curiel at 1807 N. Irwin Avenue.

Atty. Mueller stated the City Attorney's office recommends denial based on the nature of the neighborhood as well as with the Green Bay Police Department's (GBPD) history with this applicant.

Capt. Bongle reported he met with Capt. Runge, who is the District Captain in this neighborhood. Capt. Runge advised the GBPD to deny this application due to the drug activity and loitering that occurred when a previous liquor store was in business in the neighborhood. After that establishment closed the neighborhood saw a great decline in crime. There are still numerous establishments in the neighborhood that sell liquor, opening another establishment where liquor can be obtained isn't necessary.

Ald. Steuer opened the floor without objection.

Everado Curiel, 1907 George Street, appeared and stated he wants to open a grocery store at this location and maybe a fast food restaurant. He stated the building is vacant at this time. He would like to sell beer.

Atty. Mueller questioned if Mr. Curiel would still be able to operate a grocery store without the ability to sell beer. Mr. Curiel replied that he would. Atty. Mueller pointed out that on Mr. Curiel's application, in regards to question #14; he answered no to the question that states he understands he can only purchase alcohol beverages from Wisconsin wholesalers, breweries and brew pubs. Atty. Mueller stated that this is required by law. Mr. Curiel replied that he had assistance filling out the application and understands and agrees to this.

Capt. Bongle stated that Mr. Curiel is the license holder for establishments at 240 S. Webster, El Ranchito; and 1905 N. Irwin, Mi Pueblo. In the past year there have been 49 police calls to 240 S. Webster. They continue to sell to individuals on the no-serve list. There are many issues with loitering. At 1905 N. Irwin there were 19 police calls; which included 6 disturbance calls, a group of individuals fighting, remaining open after closing hours, and an underage individual was found in the bar. There is a pattern of liquor license violations under this license holder. The GBPD doesn't have any objection for a grocery store; however they recommend denying the license to sell beer.

A motion was made by Ald. Brunette and seconded by Ald. Steuer to deny the application for a Class "A" Beverage License by Everado Curiel at 1807 N. Irwin Avenue. Motion carried, with Ald. Tim De Wane voting no.

5. Request by the owners of Los Brasas at 418 S. Military Avenue to hold an outdoor event on May 3, 2014.

Atty. Mueller stated the City Attorney's Office doesn't have any objections; however, he would like to hear more details regarding the outdoor event.

Ald. Steuer opened the floor without any objection.

Aidee Lopez, 418 S. Military Avenue, appeared and stated they want to have a Cinco De Mayo party outside in the parking lot. They held one in Berlin, WI without any problems.

Atty. Mueller inquired if they plan to serve alcohol and play music. Ms. Lopez stated liquor will be sold and music will be played until 10:00 p.m. in their parking lot. Atty. Mueller stated there are other businesses that share that parking lot and inquired if Ms. Lopez has permission to use it for this event and if they will have an area fenced off with security stationed at access points. Ms. Lopez implied this will happen.

Discussion focused on postponing this item until plans have been received regarding fencing and security plans.

A motion was made by Ald. Brunette and seconded by Ald. Tim De Wane to postpone until the next meeting the request by the owners of Los Brasas at 418 S. Military Avenue to hold an outdoor event on May 3, 2014. Motion carried.

6. Appeal by Joy L. Frank to the denial of her Operator License application.

Atty. Mueller stated the City Attorney's Office recommends denial based on the arrest and conviction record which substantially relates to the licensed activity. Atty. Mueller gave a brief description of that record: 2012 disorderly conduct-forfeiture; 2006 issuing worthless checks-forfeiture; 2002 disorder conduct-forfeiture; 1990 battery-forfeiture; 1990 child abuse intentionally causing harm-felony.

Ald. Steuer opened the floor without objection.

Joy Frank, W752 Fish Creek Road, appeared and stated she had previously held operator licenses in Green Bay and De Pere. Ms. Frank stated she received the disorderly conduct charge for throwing her daughter out of a bar while she was bartending, and the charge was dropped. She claims that it was her ex-husband who was signing her name on the worthless checks.

Atty. Mueller stated that Ms. Frank should have pleaded not guilty to these charges and taken them to court. Instead she pleaded guilty and was convicted of these charges. Atty. Mueller informed Ms. Frank that this Committee has taken tighter stance when it comes to issuing licenses to convicted felons.

Ms. Frank stated that her father was babysitting her children while she was visiting her husband in prison, when she arrived back home she discovered her father left the children in the home alone and that's why she was charged with child abuse.

Ald. Steuer stated it is the duty of this Committee to be responsible for the safety of the public and he doesn't believe Ms. Frank is taking any responsibility for her actions and seems to blame others, or bad luck, for what happened.

A motion was made by Ald. Brunette and seconded by Ald. Boyce to deny the appeal by Joy L. Frank to the denial of her Operator License application. Motion carried.

7. Request by Ald. Steuer to study various dog leash lengths, which are not specified presently in Section 27.15.

Ald. Steuer stated he was approached by a constituent who wanted to know the rules regarding leash lengths for different sizes of dogs and wondered if the owner walk next to, in front of, or behind the dog. Ald. Steuer reported that on

Wilson Avenue the lots sizes are small and a dog that is tied to the front porch can reach the sidewalk depending on the leash length.

Atty. Mueller reported that there isn't a leash length requirement City-wide. The ordinance states that the owner must be in control of the dog using a leash of significant strength, or by other means. The only other law applicable to dog leashes states that when in City parks the leash length must be 7 feet or less.

Ald. Brunette stated that he can't imagine the GBPD has the time to issue citations for leash lengths. Capt. Bongle replied that the GBPD will become involved if there is a dog at large, otherwise this would be considered a low priority unless a dog bite is involved. Capt. Bongle stated he did have a chance to speak with the Animal Control Officer and she stated that she believed owners who have the expandable leash aren't under the owner's control.

Ald. Boyce stated something should be done with dogs that are tethered in their yard but still able to reach the sidewalk. He suggested that if a CSI witnesses this they should note it and advise the owners. Ald. Boyce also suggested that when people walking their dogs down the sidewalk are approached by other walkers they should grab their dogs by the collar to restrain them.

Ald. Steuer reported that in 2008 the County did discuss a county wide ordinance regarding this subject, and then decided that each municipality should look at it separately. He would be willing to have this item received and placed on file.

A motion was made by Ald. Brunette and seconded by Ald. Tim De Wane to receive and place on file the request by Ald. Steuer to study various dog leash lengths, which are not specified presently in Section 8.06. Motion carried.

A motion was made by Ald. Brunette and seconded by Ald. Tim De Wane to adjourn the meeting at 5:40 p.m. Motion carried.

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